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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,358	04/05/2001	Vincent Dureau	OPTVP006	3917
44015	7590	01/18/2007	EXAMINER	
OPTV/MEYERTONS RORY D. RANKIN P.O. BOX 398 AUSTIN, TX 78767-0398			KOENIG, ANDREW Y	
			ART UNIT	PAPER NUMBER
			2623	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	01/18/2007	PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/827,358	DUREAU ET AL.
	Examiner	Art Unit
	Andrew Y. Koenig	2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 02 February 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-43 and 58-71 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-43 and 58-71 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 8/13/01.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-43 and 58-71 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 58-67, 69, and 71 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding independent claims 58 and 71 recite a product comprising a computer usable medium having machine readable code embodied therein. As per the specification on page 55, line 21, a computer readable medium can be transmitted over a network, which is a signal transmitted over a network. As such, the claim has coverage for a signal, *per se*, which is non-statutory.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-43, 68, and 70 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent claims 1 and 70 are apparatus claims, based on the preamble, however the claim limitations are method steps. It is unclear based on the preamble and claim limitations whether the applicant is an apparatus claim or a method claim.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-4, 7, 42, 43, 58, 59, and 67 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,337,715 to Inagaki et al. (Inagaki).

Regarding claims 1 and 58, Inagaki teaches a receiver for processing data, said receiver comprising a generic data processing engine (fig. 7), operable to: receive a format definition, wherein said format definition is indicative of a format of additionally received data (col. 15, ll. 50-57), configuring said engine responsive to receiving the format definition (col. 15, ll. 36-49), and processing the additionally received data in

accordance with the format definition (col. 15, ll. 36-49: the library has the decoding software for decoding the additional information).

Regarding claim 2, Iganaki teaches the receiver receiving a broadcast including the received data (col. 15, ll. 61-67).

Regarding claim 3, Iganaki teaches the engine receiving the format definition from the broadcast (col. 15, ll. 61-67).

Regarding claim 4, Iganaki teaches the receiver receiving the broadcast including the data (col. 15, ll. 61-67).

Regarding claims 7 and 59, Iganaki teaches the definition including a software program, which inherently includes descriptions of semantics of the format in order to decode the particular format.

Regarding claims 42 and 67, Iganaki teaches television related information (col. 15, ll. 36-49).

Regarding claim 43, Iganaki teaches service information (col. 15, ll. 36-49).

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5-11, 26-27, and 59-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,337,715 to Inagaki et al. (Inagaki) in view of Program Guide for Digital Television ATSC Standard (ATSC).

Regarding claim 5, Iganaiki teaches the receiver receiving the data, and teaches different transmission means, but is silent on receiving a multicast. ATSC teaches receiving a multicast including data and wherein the engine is further configured to receive the format definition from the multicast derived from a point-to-multipoint multicast of EPG data (see pg. 1, para. 1-2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Iganaiki by using multicast as taught by ATSC in order to provide different transport mediums to permit the user to access data.

Regarding claim 6, Iganaiki teaches receiving the format definition, but is silent on receiving data via a multicast. ATSC teaches receiving a multicast including data and wherein the engine is further configured to receive the format definition from the multicast derived from a point-to-multipoint multicast of EPG data (see pg. 1, para. 1-2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Iganaiki by using multicast as taught by ATSC in order to provide different transport mediums to permit the user to access data.

Regarding claims 7-11 and 59-61, Iganaiki is silent on the definition including a description of syntax, description of semantics, a semantic description associating at least one identifier with received data, wherein the syntax and semantics are described

in a first language, configured to produce an internal representation of the syntax and semantics. ATSC teaches a description of the syntax and semantics of the format, wherein the semantic description associated at least one identifier with the data, wherein the syntax and semantics are described in a first language, configured to produce an internal representation of the syntax and semantics (table 5.2 - pg. 7, table 5.5 - pg. 16, table 5.6 - pg. 18, table 5.7 - page 20). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Iganaki by the definition including a description of syntax, description of semantics, a semantic description associating at least one identifier with received data, wherein the syntax and semantics are described in a first language, configured to produce an internal representation of the syntax and semantics as taught by ATSC in order to effectively define the protocol for sending data, thereby enabling the receiving device to decode the received data.

Regarding claims 26 and 27, Iganaki is silent on the syntax as a first language and the semantics as a second language, and producing an internal representation of the syntax and semantics. ATSC teaches a description of the syntax and semantics of the format, wherein the syntax and semantics are described in a first language and second language (as the claim does not require the languages to be different), configured to produce an internal representation of the syntax and semantics (table 5.2 - pg. 7, table 5.5 - pg. 16, table 5.6 - pg. 18, table 5.7 - page 20). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Iganaki by the syntax as a first language and the semantics as a second

language, and producing an internal representation of the syntax and semantics as taught by ATSC in order to effectively define the protocol for sending data, thereby enabling the receiving device to decode the received data.

***Conclusion***

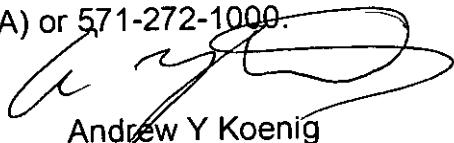
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,658,661 to Arsenault et al. teaches filtering incoming data using a bit mask (col. 7, ll. 30-32).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Y. Koenig whose telephone number is (571) 272-7296. The examiner can normally be reached on M-Fr (8:30 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571)272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Andrew Y Koenig  
Primary Examiner  
Art Unit 2623

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